REMARKS

I. Introduction

With the addition of new claims 34 and 35, and the cancellation of claims 2 and 25, claims 1, 3 to 24, and 26 to 35 are currently pending and being considered in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statements, PTO-1449 papers, and cited references.

II. Rejection of Claims 1, 4 to 8, 12, 17, 24, 26, and 29 Under 35 U.S.C. § 102(e)

Claims 1, 4 to 8, 12, 17, 24, 26, and 29 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0146940 ("Ellis et al."). It is respectfully submitted that Ellis et al. do not anticipate the present claims for at least the following reasons.

Claim 1 relates to a method for displaying a media guide to a user, and, as herein amended without prejudice, recites, *inter alia*, the following:

> *. . . receiving information regarding media programs which include: i) programs that are immediately available to the user via download or data streaming; ii) programs that have been previously stored locally relative to the user; and iii) programs that are immediately available to the user via television broadcast, the information including titles of the media programs; and*
>
> *displaying, in a single integrated list of recommended titles, at least some of the titles, the at least some of the titles including a title of at least one of the programs immediately available to the user via download or data streaming, a title of at least one of the programs that have been previously stored locally relative to the user, and a title of at least one of the programs that are immediately available to the user via television broadcast.*

Ellis et al. do not disclose, or even suggest, displaying titles of <u>all of</u> *immediately available download or data streaming programs, locally stored programs*, <u>and</u> *immediately available, television broadcast programs* in a *single integrated list*. Instead, Ellis et al. refer to displaying only television broadcast program information on a single display page. *See* Ellis et al., Figures 6, 7, 8a, 8b, 8c, 11, 16a, 16b, 16c.

With respect to canceled claim 2, subject matter of which has been included in claim 1, as presented, the Office Action refers to figure 12 of U.S. Patent Application Publication No. 2004/0060063 ("Russ et al.") as assertedly disclosing displaying a recorded programs list. However, none of the cited references disclose, or even suggests, a single integrated list of recommended titles including programs that are locally stored and non-recorded program that are available via broadcast, download, and/or streaming. Indeed, such an integrated list is not contemplated by the prior art since characteristics of recorded programs are conventionally thought to be known to the user since they are already "owned" and previously selected programs. The novel features of claim 1 provide additional advantages to the user by including in a single list of recommended programs, programs that are already recorded and non-recorded programs so that a user may prioritize the user's viewing experience with respect to both kinds of programs.

Therefore, Ellis et al. (alone or in combination with Russ et al.) do not identically disclose, or even suggest, all of the features of claim 1, so that Ellis et al. do not anticipate claim 1.

Claims 4 to 8, 12, and 17 ultimately depend from claim 1, and therefore include all of the features of claim 1, so that Ellis et al. do not anticipate any of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 1.

Claim 24, as presented, includes subject matter analogous to that of claim 1, so that Ellis et al. do not anticipate claim 24 for at least essentially the same reasons set forth above in support of the patentability of claim 1.

Claims 26 and 29 depend from claim 24, and therefore include all of the features of claim 24, so that Ellis et al. do not anticipate either of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 24.

Withdrawal of this anticipation rejection is therefore respectfully requested.

III. Rejection of Claims 2, 3, 16, and 25 Under 35 U.S.C. § 103(a)

Claims 2, 3, 16, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al. and Russ et al. It is respectfully submitted that the combination of Ellis et al. and Russ et al. does not render unpatentable the present claims for at least the following reasons.

As an initial matter, claims 2 and 25 have been canceled herein without prejudice, thereby rendering moot the present rejection with respect to these dependent claims.

Claims 3 and 16 ultimately depend from claim 1 so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since, as explained above with respect to the patentability of claim 1, Russ et al. do not correct the critical deficiencies noted above with respect to Ellis et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

IV. Rejection of Claims 9, 10, 11, and 27 Under 35 U.S.C. § 103(a)

Claims 9, 10, 11, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al. and U.S. Patent Application Publication No. 2003/0005429 ("Colsey"). It is respectfully submitted that the combination of Ellis et al. and Colsey does not render unpatentable the present claims for at least the following reasons.

Claims 9 to 11 ultimately depend from claim 1, and claim 27 depends from claim 24, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claims 1 and 24, respectively, since Colsey does not cure the critical deficiencies noted above with respect to Ellis et al.

Withdrawal of this obviousness rejection of claims 9, 10, 11, and 27 is therefore respectfully requested.

V. Rejection of Claims 13 to 15, and 28 Under 35 U.S.C. § 103(a)

Claims 13 to 15, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al. and U.S. Patent Application Publication No. 2003/0177495 ("Needham et al."). It is respectfully submitted that the combination of Ellis et al. and Needham et al. does not render unpatentable the present claims for at least the following reasons.

Claims 13 to 15 ultimately depend from claim 1, and claim 28 depends from claim 24, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claims 1 and 24, respectively, since Needham et al. do not cure the critical deficiencies noted above with respect to Ellis et al. In this regard, Needham et al. merely refer to an electronic program guide including only television broadcast programs. *See* Needham et al., ¶ 14 and Figure 1. Nowhere do Needham et al. disclose or suggest the features of *displaying in a single integrated list recorded programs*

and programs available via download, streaming, and/or broadcasting, as provided for in the context of claims 1 and 24.

Withdrawal of this obviousness rejection of claims 13 to 15, and 28 is therefore respectfully requested.

VI. Rejection of Claims 18 and 19 Under 35 U.S.C. § 103(a)

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al. and U.S. Patent Application Publication No. 2003/0005445 ("Schein et al."). It is respectfully submitted that the combination of Ellis et al. and Schein et al. does not render unpatentable the present claims for at least the following reasons.

Claims 18 and 19 depend from claim 1, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since Schein et al. do not cure the critical deficiencies noted above with respect to Ellis et al. In this regard, Schein et al. merely refer to providing broadcast television schedule information and linking viewers with broadcasters and advertisers. Schein et al., ¶ 29. Nowhere do Schein et al. disclose or suggest the features of *displaying in a single integrated list recorded programs and programs available via download, streaming, and/or broadcasting*, as provided for in the context of claim 1.

Withdrawal of this obviousness rejection of claims 18 and 19 is therefore respectfully requested.

VII. Rejection of Claims 20 to 23, and 30 to 33 Under 35 U.S.C. § 103(a)

Claims 20 to 23, and 30 to 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al. and U.S. Patent Application Publication No. 2003/0084450 ("Thurston et al."). It is respectfully submitted that the combination of Ellis et al. and Thurston et al. does not render unpatentable the present claims for at least the following reasons.

Claim 20 relates to a method of displaying a program guide to a user, and, as herein amended without prejudice, recites, *inter alia*, the following:

> *. . . c) displaying, on a single page and in a first list, titles of at least some of the suggested media programs; and*
>
> *d) displaying, on the single page in a second list, titles of at least some media programs that are immediately available to the user and that meet at least one of the user preferences, a separation of the first and second lists being demarcated.*

The Office Action admits that Ellis et al. do not disclose the features of *receiving information from a programming provider that indicates suggested media programs*; and *displaying, on a single page and in a first list, titles of at least some of the suggested media programs*. Office Action, p. 10.

Thurston et al. merely refer to placing first, on a list of programs recommended based on a user profile, a content provider's program listed irrespective of the user profile, unbeknownst to users. Thurston et al., ¶ 26. Thurston et al. specifically state that the content provider's program is hidden within the same list of programs recommended to a user based on the user profile. In contrast, the present application discloses two separate lists on a single page, one including suggested media programs and the other including immediately available programs that meet at least one of the user preferences. Therefore, the combination of Ellis et al. and Thurston et al. does not disclose or suggest all of the features of claim 20, as presented, so that the combination of Ellis et al. and Thurston et al. does not render unpatentable claim 20.

Claims 21 and 22 depend from claim 20, and are therefore allowable for at least the same reasons as claim 20.

Claims 23, 30, and 33, as herein amended without prejudice, include subject matter analogous to that of claim 20, so that these claims are allowable for at least essentially the same reasons set forth above in support of the patentability of claim 20.

Claims 31 and 32 depend from claim 30, and are therefore allowable for at least the same reasons as claim 30.

Withdrawal of this obviousness rejection of claims 20 to 23, and 30 to 33 is therefore respectfully requested.

VIII. New Claims 34 and 35

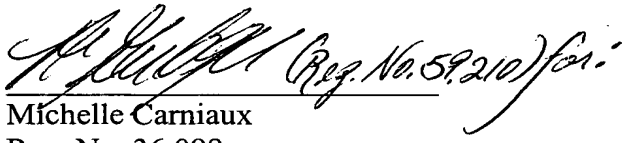
Claims 34 and 35 have been added herein. New claims 34 and 35 do not add any new matter and is fully supported by the present application, including the Specification. Claims 34 and 35 depend from claims 1 and 24, respectively, and are therefore allowable for at least the same reasons as claims 1 and 24.

IX. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: April 7, 2008

By: 

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